

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN ALLEN CARY,

Plaintiff,

v.

Civil No. 2:24-cv-10488

Hon. Matthew F. Leitman

ARF RTP STAFF,

Defendants.

/

ORDER DIRECTING PLAINTIFF TO FILE AN AMENDED COMPLAINT

This is a pro se civil rights complaint filed under 42 U.S.C § 1983. Plaintiff Bryan Allen Cary is presently incarcerated at the Gus Harrison Correctional Facility (ARF) in Adrian, Michigan. Cary brings this action against Michigan Department of Corrections employees. He identifies them only as the 1st and 2nd shift unit, medical staff, and mental health staff employed at ARF. Cary claims Defendants violated his Eighth Amendment rights by placing him on a top bunk despite having informed Defendants that he has fallen more than once and injured his head. Cary further claims that his present issues with a brain cyst place him at risk for serious injury or death if Defendants continue to deny his bottom bunk detail.

Rule 10(a) of the Federal Rules of Civil Procedure generally requires the plaintiff to include the names of the parties in the action. Cary has failed to do so. And he has not pleaded that he is unable to ascertain the names of those he wishes

to sue.

The Court directs Cary to file an Amended Complaint by not later than **April 15, 2024**. In the Amended Complaint, Cary shall specifically name the individuals he intends to sue *and* shall specifically identify the allegedly-wrongful conduct committed by each of those individuals. Simply put, he must specifically plead what each named individual did wrong.

If Cary is unable to ascertain the names of those he wishes to sue, he shall explain why he is unable to do so. If he is able to ascertain the names of some, but not all, of those he wishes to sue, he shall specifically identify those individuals. Failure to comply with these directions may result in dismissal of Cary's Complaint.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 4, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 4, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126